

ent and as it was explicitly provided in the Foraker act that the Porto Rican legislature could change the character of the enactment it was held that the Foraker act was merely legislation in the interest of Porto Rico. The Foraker act was sustained on the grounds laid down in the Downes case, another of the insular cases decided at the last term. The decision of the lower court was affirmed. Justice Brown explicitly said that the opinion was not to be construed as a justification of export duties.

Justice White concurred in the result but delivered an independent decision.

HOW CASE AROSE.

This case grows out of the imposition of tariff duties on goods shipped from New York to Porto Rico May 1, 1900, to October 23, of the same year under the act of April 12, 1900, providing revenues to the civil government of Porto Rico, the sum involved being \$1,432. This money was collected at Porto Rico on goods shipped to that port by Dooley, Smith & Co., to their agent, J. A. Smith. The collection was imposed under that section of law in question which provides that "all merchandise coming into Porto Rico from the United States shall be entered at the rate of the 15 per cent duties which are required to be levied, collected and paid on like articles of the same kind and value from foreign countries into the United States under the Dingley tariff law."

The contention on the part of Dooley's counsel was that the Congress had not the power, under the constitution, to impose taxes or duties such as were levied under the act of April 12 on articles taken into Porto Rican ports from other parts of the United States. Porto Rico being an integral portion of the nation.

The chief justice and Justices Harlan, Brewer and Peckham united in a dissenting opinion in the Dooley case, which was handed down by the chief justice. They held that the duty imposed was levied for the benefit of Porto Rico and did not change its character.

BUSINESS NOTES.

The comptroller of currency has authorized the First National bank, Brigham City, to begin business with a capital of \$50,000.

Willis T. Beardsley has severed his connection with Beardsley's Tavern and gone to California, where he will engage in other business. Mr. Beardsley started the tavern and has conducted it successfully during the past year. H. G. Sheridan has assumed the duties of manager and the other officers are John S. Clift, president; P. C. Schramm, vice president; Joseph E. Caine, treasurer.

Today's clearings amounted to \$355,600.00 as compared with \$335,573.33 for the corresponding day of last year.

The Ogden Sun factory will finish its run about January 15th there being nearly 7,000 tons of beet still on hand. The factory has so far handled 25,000 tons which have produced about 5,000,000 pounds of sugar.

William J. Halloran and Herman Brischner have purchased the 35x145 feet lot adjoining the St. Elmo hotel property on the East on Third South street. The property was sold by Elmer Sherman of Brooklyn, N. Y. for \$25,337.50. The purchasers intend to erect a three-story brick building on 22 feet of the property to cost between \$12,000 and \$15,000. Plans are being prepared for the new building, the lower floor of which will be used for a store and the two upper floors for a rooming house.

Among the eastern capitalists who have invested heavily in Salt Lake valley during the past few years is Oakleigh Thorne, of Duches county, New York. His latest purchase was filed for record in Salt Lake county, consisting of sixteen parcels of land conveyed to him from S. L. Conklin and wife for a consideration approximating \$45,000. The ground is mostly improved and is widely scattered. Three lots each 120x33 feet, are near the corner of P and Eighth streets, two lots are in the West Drive subdivision, five-acre flat A, one on Columbus, between P and S and Napoleon streets, one on West Temple between Market and Fourth South, one 2 1/2 acre square at the northeast corner of Eighth South and Fifth East, and one on Seventh West between Second and Third South, one hundred and twenty acres southwest of the city across the Jordan river is included in the deed.

WARD ENTERTAINMENTS.

The Relief Society of Forest Dale will give a fair commencing Wednesday evening and continuing Thursday and Friday. A matinee will be given to the children Thursday afternoon at 2 p. m. The attractions include a baby show, songs, quartettes, character songs, instrumental selections, etc. The different booths will be presided over by persons who will sell you anything from a pin to a ton of coal. The fishing pond will be in evidence and the young people can try their luck when and as often as they wish. Fortunes will be told by the Gypsies. Articles of every description will be for sale by the Relief Society at low prices and the net proceeds will be for the benefit of the ward poor.

JUDGE DIEHL'S COURT.

But two Sunday drunks faced the court this afternoon. Dan Campbell simply pleaded guilty and received his sentence of 15 or 20 days. Joe Walter, the other drunk, concluded to make a talk for his liberty. After delivering a lengthy dissertation on his hard luck, he wound up by saying: "If you will give me a floater, I will get out of town within an hour." He got the "floater." Frank Mahoney, a soldier, was convicted of fighting. He did not deny the charge but insisted that the other fellow was the one to blame. The court imposed a fine of \$15 in default of which Mahoney went to jail.

Ernest Luce and Keith Williams, two small boys, pleaded guilty to firing off a shot gun near the country club golf links. They were each assessed \$1.

LATE LOCALS.

Little Malcolm Bush, the ten year old son of Joseph R. and Ida B. Bush, died yesterday of diphtheria and was buried at 4 p. m. today.

The S. P. Teasell company today filed an amendment to its articles of incorporation, changing the name to the Rowe & Kelly company.

Gilbert R. Beebe was appointed supervisor of roads and bridges for Platte county, by the governor. The appropriation is \$1,500.

LAND ENTRIES.

Original entry, November 25. William H. Farver, of Beaver City, 150 acres; section 23 and 24, township 23 south, range 6 west. Joseph Christensen, Sunnyside, 1 1/2 acres, section 7, township 14 south, range 14 east.

"BADGER" CASE BEFORE DIEHL

Old Court Room Packed to Its Capacity This Afternoon.

FINNEGAN TELLS HIS STORY

Relation of the Exciting Experiences in the Duff Case is Listened To By Large Crowd.

The old police court room was packed to its utmost capacity this afternoon by persons anxious to hear the evidence in the "criminal conspiracy" case against Miss Rosalind Ella Hewitt, E. Parry and W. Lindstrom, who are charged with an attempt to "badger" Francis P. Finnegan out of \$1,000.

Miss Hewitt obtained her release yesterday, the Utah Savings and Trust company furnishing her bail, the company being secured by Dr. P. A. H. Franklin. The bond was approved by Justice Peter Lochrie.

When the complaint was read to the defendants, they each pleaded "not guilty." Then on motion of Assistant County Attorney Loebow, the court room was cleared of all except those interested in the case and the newspaper men.

The case was at once proceeded with, the first witness being Francis P. Finnegan, the man who was the alleged victim.

In response to Mr. Loebow's request, Finnegan related his story, saying he had been acquainted with the defendants about two months, and that he had frequently employed Miss Hewitt to do some letter writing for him. He admitted that he first made proposals of an improper nature to the girl. He said she accepted them and said he could call her room at 10 o'clock p. m. Finnegan then stated that he had not been in the room but a short time when Perry rushed from behind the bed and Lindstrom came in from the hall armed with a revolver, saying: "We've caught you now, you scoundrel."

Finnegan then stated that he offered to write a check for \$30 for them but they would not consent to it, but insisted that he write an order on his bank. He then stated that he was authorized by Lindstrom to search his trunk and get the check. "They then demanded my keys," continued Finnegan, "and I gave them the keys and told which one belonged to the trunk."

Witness then went on to say that Miss Hewitt unlocked the door and as she opened it, he grappled with one of the men and yelled "police, murder."

Finnegan concluded his statement by saying that when he offered to pay them \$30, Perry said: "No sir, you don't get out of here."

Finnegan was still on the stand when this report closed.

The young woman is represented by Attorney Edward McGurran, while the young men were represented by Attorney Truman.

W. E. Gilbert, the well known traveling man from Los Angeles, is at the Kenyon, after an eastern trip. He is in the city to make a number of stump in stocks, especially the fall in copper, while they do not know what to make of it, except that the situation is unfavorable for the copper. Mr. Gilbert says the calendar and handkerchiefs in printing novelties and fancy designs are not selling as many goods as they were last year. This also is a puzzle to him, as he is not much inclined to spend it as they were a year ago.

SUES FOR SIX SHARES.

Urban Picknell Brings Action Against the Salt Lake Dramatic Association.

Asks for \$800 and \$90 Damages—Number of Suits Filed at the Third District Court.

A suit to recover from the Salt Lake Dramatic association six shares of the capital stock, or their monetary equivalent—\$800, was commenced today by Urban Picknell. Plaintiff also asks for damages amounting to \$90, which sum he understands to have been declared as dividends on the stock during the years of 1898, 1899 and 1900.

Urban claims that the six shares in question were sold to E. M. Weller on March 14, 1891, who transferred them to him on July 21, 1893. On Nov. 1, this year Urban says that he offered to surrender to the dramatic association the certificate of stock endorsed by Weller, and requested that the association issue him a new certificate of stock representing the six shares, which was refused.

The Consolidated Implement company has again brought suit against Hattie H. Young, who asks a judgment against her for \$1,400 for rent which she received from the Salt Lake Brewing company for a building which she employed to come upon the premises leased by her to it, and which she would not allow it to remove at the expiration of its lease.

CURTIS AND REEVES GIRLS.

Their Cases of Incurability Go Over Again to Next Saturday.

The cases of Eva Curtis and Minerva Reeves, charged with incurability, were called before Judge Stewart again this morning on the continuance from last Friday. Both girls were remanded to the care of the sheriff who was ordered to allow the Reeves girl to visit her mother, and the Curtis girl to continue her schooling. The Curtis girl will remain in custody of the sheriff until her uncle, Charles Woods, signifies an intention of caring for her in the Centennial Hotel. Otherwise Eva will follow her sister, Maggie, to the reform school.

ANOTHER SHEEP CASE.

Joseph M. Jensen Sues for \$17,594.62 as Damages.

Joseph M. Jensen today commenced suit in the district court to recover from the Deep Creek Farm and Live-stock company, Don C. Tufts and Joseph H. and A. V. Taylor, the sum of \$17,594.62, with interest from November 7.

Plaintiff claims that on November 10, 1899, he leased to the Deep Creek company 1,310 sheep in good condition, and to secure the faithful performance of its part of the contract the company executed to plaintiff its undertaking in the sum of \$25,000, to which Tufts and Taylor became sureties. On August 24 last, certain disputes and differences having arisen concerning the fulfillment of the lease contract, the same was submitted to John C. Sharp and Charles R. McBride to arbitrate, who decided that the Deep Creek company was indebted to plaintiff in the sum of \$17,594.62 for damages. This sum the defendants have refused to pay over to Jensen.

Crook Sues Plaintiff. In the suit brought by Samuel McIntire and Joseph E. Crook against the plaintiff, the company was ordered to pay a \$400 promissory note executed by the company in favor of McIntire on Feb. 13, 1897, and endorsed by him to the plaintiff. Crook, Judge Morse today dismissed the action as far as McIntire is concerned.

Henry Ellers, Plouche Saloon Man, Makes Grave Cross Charges. Henry Ellers, a saloon keeper of Plouche, Nev., has filed an answer and cross-complaint to his wife's suit for divorce, in which he denies that the plaintiff is or ever has been his legal wife. After specifically denying every allegation in the complaint filed by Marie K. A. Ellers, the defendant states that at the time of their marriage in 1891 plaintiff was already married to Annie Gehro, whereas she was then the wife of a man called Young.

Answering plaintiff's charge of cruelty Ellers says that he has been all on the part of Mrs. Ellers, who has made a burden to him by reason of her barbarous treatment and abusive language. He says that she assaulted him on June 1st last, and threatened to kill him. Plaintiff also maliciously accused him of having improper relations with other women, including even his own daughter, and of having committed adultery with his own daughters. Ellers says that the woman who bears his name is insanely jealous of him and has repeatedly refused to move from Salt Lake City to Plouche, where he has been working hard for more than twenty years to pay for the home she occupies on Capitol avenue in this city.

Mrs. Ellers, says the defendant, is a woman of no education or refinement; she is coarse to brutality in her conduct and language. Plaintiff is a poor housekeeper, untruthful and an unfit person to have the custody of her children. He, on the contrary, is sober, honest, frugal, industrious, refined, moral and intelligent. Ellers gets back at his wife for her charges of immorality by accusing her of immoral conduct at the family home on Capitol avenue.

FILES A RACY ANSWER.

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Daily vs Daily.

Attorney P. J. Daly has commenced suit against J. J. Daly, the well known mining man, to collect \$5,000 attorney fees.

Holman Damage Suit.

The jury in the \$8,000 suit for damages which Ezekiel Holman brought against Stephen Hays for injuries sustained in falling into an excavation in front of a building which Hays was erecting, retired at noon, but had not reached a verdict when this report closed.

Mining Case Dismissed.

The case of Charles J. Hodge vs H. F. Lambert, E. Bamberger and Josiah Barnett was today dismissed at plaintiff's cost. Plaintiff was suing to quiet title to a disputed claim between the Webster and Muddy Gulch claims, and asked for \$200 damages.

Sues for Royalty.

The Webster Mining company commenced suit today against W. E. Holman, A. A. Albert and Miles Packard to collect \$473.65 with legal interest from May 1, 1901, which it claims is due by defendants as royalties on the output of property owned by the plaintiff. The mining district which the plaintiff company leased to defendants on Nov. 18, 1899, and on which they were to pay a royalty of 12 1/2 per cent.

PERSONALS.

E. G. Kilder has gone to Park City to reside.

George Ady, Jr., of Denver, is at the Kenyon.

Andrew Burleigh of New York, formerly receiver of the Northern Pacific

is a guest at the Knutsford on a transcontinental trip.

Mrs. Brooks and Mrs. McClintock left Sunday for Omaha.

Mrs. Judge and daughter left for Los Angeles on Sunday.

James Jennings has gone to New York on a business trip.

John J. Daly and family left on a New York trip Sunday.

Ed McNeely Jr. and family returned yesterday, from a Mexican trip.

Thomas Wier and Mrs. Wier left today on a St. Louis trip.

Editor Spilman of the Tintle Miner, is taking a respite from editorial toil at the Cullen hotel.

Abe Newberger, the veteran New York fireman, and a veteran of firewater in our land lots, has gone to Leadville, P. C. Collins, of Mackay, is in town to buy equipment for a new hotel he proposes to erect at the terminal of the Salpica river line.

W. A. Pinkerton, the veteran detective, is at the Knutsford from Chicago. He has been busy engaged unraveling the theft of the unsigned Helena bank bills, and the culprits are now in jail at St. Louis.

Dr. A. S. Kendall has gone to Castle Gate and Sunnyside to examine the horses of the coal company at those places where so many animals are sick with the influenza which is prevailing all over the country.

Frederick J. Larson, of Chicago, representing the oldest Swedish weekly in the United States, is in the city and will spend about one month in Utah. From here he will go to Oregon, Washington, California and Texas.

We can supply you with good, whole wheat bread at a low price. Call and examine our goods.

ST. HELENA SANITARIUM FOOD CO.

AMUSEMENTS.

All eyes are on the Tabernacle tonight and a rare treat is anticipated by music lovers. Miss Gates, the first soprano, the violinist, and Prof. McClellan at the organ will be the features. Miss Gates will again render the notable title of her last concert, and besides render several new songs.

The Company H Minstrels hold the boards at the Theater tonight. The boys gave a splendid parade at noon today and made a very fine appearance following the band. Their present engagement lasts only two nights.

At the Grand this evening "Hunting for Hawkins" enters upon a full week's engagement.

For the first time since its reorganization the Tabernacle choir sat for its picture yesterday. Johnson was the artist and a big photograph, which will be used to advertise the choir on its tour, will be turned out.

Don't forget that we are headquarters for the finest line of foods and fruits in the city. We make a specialty of pure foods, 63 E. First South.

ST. HELENA SANITARIUM FOOD CO.

WHY PLEASED.

A certain teacher of English in a school at high school in her native state, Mississippi, who in spite of her vivacity in conversation, is perhaps, if anything, too fastidious in her choice of words, was asked to deliver the address at the New Year Chautauque. Her flow of spirits made her the delight of the dining table at which she was first seated, but at the end of a fortnight she was moved by her husband to another place. A lady from Boston, who had been sitting opposite the Southern, expressed her regret at the change.

"I am so sorry you are going to leave us," she said with warmth; "we have all enjoyed your dialect so much."—Harper's Magazine.

DEED.

GABRIOT—Louis C. son of John and Alice Crossgrove, of heart disease, died at the age of 21 years, 7 months and 3 days.

The funeral services will be held from the Farmers ward meeting house tomorrow at 1 p. m.

NOTICE OF STOCKHOLDERS' MEETING. NOTICE IS HEREBY GIVEN THAT A special meeting of the stockholders of the Salt Lake City and County Bank will be held at the office of the Secretary, in rear of T. R. Jones & Co. bank, No. 159 South Main Street, Salt Lake City, Utah, on Tuesday, the 31st day of December, 1901, at four o'clock p. m., for the election of directors for the year ending December 31, 1901, and for the transaction of such other business as may be brought before the meeting.

Dated Nov. 20, 1901.

ESTATE OF RUFUS FORBUSH, DECEASED.

THE UNDERSIGNED WILL SELL AT private sale the following property: 250 head, more or less, of average stock sheep, now held and in the possession of George Hays, house and fence at Marysville, also 20 tons of lucerne hay, located near Union, Salt Lake County, Utah, on Tuesday, the 31st day of December, A. D. 1901, and written bids will be received at the office of Young, Tufts and Taylor, Salt Lake City, Utah. Terms of sale, cash. Sheep sold according to number and head.

HYRUM H. FORBUSH.

Executor of the Last Will of Rufus Forbush.

Dated Salt Lake City, November 28, 1901.

Young & Moyle, Attorneys.

NOTICE.

NOTICE IS HEREBY GIVEN OF A special Stockholders' Meeting of the Stockholders of the Jersey Salt Company, to be held at Room No. 11, Nauvoo Block, Salt Lake City, Utah, on Tuesday, the 31st day of December, 1901, at 3:30 a. m., for the purpose of considering the advisability of selling the corporate assets and franchises; and the dissolution and winding up of the affairs of the corporation.

W. H. JACK, Secretary.

NOTICE.

NOTICE IS HEREBY GIVEN OF A special Stockholders' Meeting of the Stockholders of the Solar Crystal Salt Company, to be held at Room No. 11, Nauvoo Block, Salt Lake City, Utah, on Tuesday, the 31st day of December, 1901, at 3:30 a. m., for the purpose of considering the advisability of selling the corporate assets and franchises; and the dissolution and winding up of the affairs of the corporation.

W. H. JACK, Secretary.

HOLIDAY PRESENTS!

Watches, Rings, Clocks, All Kinds of Jewels.

When Selecting Presents, call at my store.

Henry Reiser, 12 E. 1st St.

WHAT DO YOU EAT?

Do you take anything they cook and serve you at any place or do you investigate a little to see if proper care and attention is given to the preparation of your food? Beardsley's Tavern has but one standard—the Best.



It's Coming

We are sure to have cold weather soon, so prepare to keep your home warm and comfortable. We have just received a magnificent line of HEATERS.

"They are going like hot cakes"—because they are so good and cheap. Prices range all the way from

\$3.50 to \$50.00.

Remember we guarantee our goods.

Our line of Ranges are unequalled for BEAUTY, ECONOMY and Durability.

H. Dinwoodey Furniture Co

Still at 64 West 2nd South.

Still at 64 West 2nd South.

ELLIS, THE PHOTOGRAPHER.

BEST WORK. LOWEST PRICES. ENLARGEMENTS AND FRAMES. ALL UP-TO-DATE.

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Investment

STOCKS & BONDS

Bought and Sold, Bank and Commercial Stocks, Securities, 36 Main St. Tel. 127

(Successors to Watson Brothers.)

CUT STONE

Dealers in all kinds of Cut Stone for Buildings, Curbing, Cemetery Capping, Etc. OFFICE AND YARDS—21 to 24 North Sixth West Street, Salt Lake City.

BOND FURNISHED.

All kinds of court and official, personal surety for employers, contractors, corporation officers, trustees and administrators; also burglary insurance written by United States Fidelity and Guaranty Co., of Baltimore, Md. THE WILSON-SHERMAN, CO. Gen. Agents, 52 West Second South street. WE WANT YOUR BUSINESS.

STORAGE MOVING.

Office, 15 W. 2nd St.

All Kinds Of Hair Brushes.

We've a great many kinds of Hair Brushes here. That is we've a great many styles and prices. Every brush that comes Here, comes from the World's best makers. They are positively the Best brushes that can be made for the money. And we import all Our Hair Brushes, we know they come to you For less money than Equal goods elsewhere. Regular style Hair Brushes, Military style of Hair Brushes, \$1.50 the pair and up. Hair Brushes bring to mind Other Brushes.

Great Bargains in Portrait Frames This Week.

If you want a portrait enlarged, remember it is pays to deal direct with the artist. If portrait don't suit pay nothing. Bring your order in today. We make cabinet photos from any old picture or tintype. Entirely new process.

F. C. SCHRAMM,

PRESCRIPTION DRUGGIST. Where the care stop, McCormick Building.

I. BEUTLICH.

Successors to Aetna Photo Co., 271 S. West Temple.

LOST.

COAT, RED AND WHITE, 2 YEARS OLD. Return to C. S. Martin, Coal Co. yard and get reward.

DELINQUENT TAX LIST OF PIUTE COUNTY, UTAH.

NAME AND DESCRIPTION.

Section.	Township.	Range.	Amount of Tax.	Amount of Interest.
35	26	1	40	13.13
35	26	1	17	1.53
7	8	27	3	6.10
20	27	3	81	19.42
20	27	3	24	12.44
20	27	3	161	24.07
20	27	3	3	3.44
20	27	3	19	27
20	27	3	120	17.78
20	27	3	80	9.69
20	27	3	6	6.70
20	27	3	130	20.00
20	27	3	1	9.06
20	27	3	1	1.11
20	27	3	17.70	
20	27	3	2.30	
20	27	3	1	17.74
20	27	3	1	3.1
20	27	3	1	5.83
20	27	3	11.61	
20	27	3	36	5.72
20	27	3	2.33	
20	27	3	4	64.21
20	27	3	4	1.35
20	27	3	320	51.50